

IN THE HIGH COURT OF ORISSA AT CUTTACK

BLAPL No. 7363 of 2022

Anil Kumar Puhan and another

Petitioners

Mr. S. Mohanty, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. M. Mishra, ASC

Mr. D. Mishra, Adv (Informant)

CORAM: JUSTICE V. NARASINGH

ORDER

08.12.2022

Order No.

03.

1. Heard learned counsel for the petitioners and learned counsel for the State.
2. Learned counsel Mr. D. Mishra filed Vakalatnama on behalf of the informant. The same is taken on record. Name of Mr. Mishra be reflected in the file as well as in the cause list and in the CMS of this Court.
3. The petitioners are accused in G.R. Case No.722 of 2022, pending in the file of learned J.M.F.C. (O), Bhubaneswar, arising out of Baliana P.S. Case No.241 of 2022, for commission of alleged offences under Sections 394/397/307 of IPC and is in custody since 25.06.2022.
4. Being aggrieved by the rejection of their application for bail U/s.439 Cr.P.C. by the learned 2nd Additional Sessions Judge, Bhubaneswar by order dated 22.07.2022 in the aforementioned case, the present BLAPL has been filed.

5. It is submitted by the learned counsel that the petitioners is in custody since 25.06.2022 and as charge sheet has already been filed on 20.10.2022, his further continuance is not warranted.

6. It is vehemently stated by the learned counsel for the petitioners that as the injured has been discharged from the hospital, his bail application may be considered liberally.

7. This Court by order dated 09.11.2022 called for a report regarding the wellbeing of the injured.

8. Learned counsel for the State placed on record that the injured though has recovered still requires assistance to attend to his daily chores.

9. Taking the same into account, this Court is **not inclined** to entertain this bail application at this stage.

10. It shall be open to the petitioners to move the learned Court in seisin at such appropriate stage as advised.

11. After this Court spent time hearing the learned counsel for the petitioners, learned counsel for the State and the learned counsel for the informant, learned counsel for the petitioners seek withdrawal of the bail application. This Court is dismayed at such conduct of the learned counsel for the petitioner who is primarily an officer of this Court.

12. Accordingly, he is permitted to withdraw with liberty to move the learned Court in seisin afresh.

(V. NARASINGH)
Judge